

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Consolidated Request for Review)	Application Nos. 583701,
and/or Waiver by)	583371, 624714, and
Robeson County Public Schools (NC))	651887
of a Funding Decision by the)	
Universal Service Administrative Company)	

**CONSOLIDATED REQUEST FOR REVIEW AND/OR WAIVER
BY ROBESON COUNTY PUBLIC SCHOOLS
OF FUNDING DECISIONS BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission's rules,¹ Robeson County (North Carolina) Public Schools (Robeson County or the District) hereby respectfully requests a review of Universal Service Administrative Company (USAC) decisions to seek recovery for Funding Years 2007, 2008, and 2009.²

USAC alleged that Robeson County did not conduct a fair and open competitive bidding process in funding year 2007 that affected the 2007, 2008 and 2009 funding requests. Contrary to USAC's finding, Robeson County satisfied all of the Commission's competitive bidding rules and selected the most cost-effective solution for its Internet access services. Robeson County therefore respectfully requests that the Commission grant this appeal, restore the funding commitments for these funding years, and direct USAC to cease its efforts to recover the funding disbursed.

¹ 47 C.F.R. § 54.719(b), (c); 47 C.F.R. § 54.722(a).

² See Exhibit 1 for the relevant applications, which involve nearly \$2.1 million in funding requests.

EXECUTIVE SUMMARY

USAC is seeking to recover nearly \$3 million in E-rate funding over a gift worth \$70, given to a Robeson County employee with no decision-making authority *after* the conclusion of the District's competition bidding process, and *before* the Commission's adoption of the program's gift rules.

Contrary to USAC's finding, this inconsequential gift did not "unfairly influence" the competitive bidding process conducted by Robeson County prior to funding year 2007. As demonstrated below, the District's competitive bidding process was fair and open, and it selected the most cost-effective solution—by far—for its broadband needs. The gift was offered after the competitive bidding process was completed and after the school board had voted to award the contract to Time Warner. Further, the employee who received the gift did not make the decision to contract with Time Warner.

Further, seeking recovery of these funds more than five years after the funding was disbursed, and nearly 10 years after the procurement occurred, violates federal law and Commission policy. The recovery is also unjust. Due to the passage of time and a hurricane that flooded District offices in 2016, Robeson County does not have all of the documents from that time period. If, however, the Commission decides that recovery is warranted, it is appropriate for USAC to seek reimbursement from Time Warner as well as the District.

Finally, although Robeson County conducted a fair and open competitive bidding process, in the alternative, Robeson County requests that the Commission waive any rules it believes were violated as such a waiver would serve the public interest. USAC's decision to seek recovery of nearly \$3 million in these circumstances is wildly disproportionate to the

alleged violation and therefore not in the public interest, especially given that there was zero harm to either the integrity or finances of the E-rate program.

For these reasons, we respectfully request that the Commission grant the appeal and direct USAC to cease its recovery efforts against the District.

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I. BACKGROUND

Robeson County Public Schools is in Pembroke, North Carolina, and serves approximately 24,090 students. The District has an E-rate discount rate of 90 percent, which reflects the number of its students living in poverty. In October 2016, Hurricane Matthew and its subsequent flooding significantly affected Robeson County, further challenging the District in its efforts to provide a quality education to its students.

Since 2008, Robeson County has been identified as among the 10 percent of counties in the United States that are majority-minority; its combined population of Native American, African-American and Hispanic residents constitute more than 68 percent of the total.³

On December 21, 2006, Robeson County posted an FCC Form 470 seeking bids for Internet access services.⁴ In response, Robeson County received two bids—one from Time Warner and one from School Link. Robeson County evaluated the two bids, using price as the primary factor, and determined that Time Warner's bid was the most cost-effective. Time Warner not only received the most points in the evaluation process—with a score of 4.6 to School Link's 3.95—but Time Warner was also the least expensive bidder.⁵ Time Warner bid a price of \$804,000 annually while School Link's bid totaled more than \$1.2 million annually.⁶ Robeson County waited more than 28 days before selecting a bidder, pursuant to Commission

³ See Robeson County, North Carolina, https://en.wikipedia.org/wiki/Robeson_County,_North_Carolina.

⁴ See RFP FCC Form 470 # 385280000611565.

⁵ Exhibit 2, E-rate Bid Assessment Worksheet, dated January 22, 2007.

⁶ Exhibit 3, E-rate Bid Response Log.

rules.⁷ In preparation for the District board meeting on January 29, 2007, Everette Teal, the District's technology director, forwarded the bids and the evaluation matrix to the board members a week in advance of the meeting. On January 29, 2007, the Robeson County School Board awarded the contract for the services to Time Warner.⁸

On February 6, the District's chief financial officer signed the multi-year contract with Time Warner,⁹ and Robeson County timely filed its application for E-rate funding for funding year 2007 on February 7, 2007.¹⁰

In a letter dated October 13, 2009, Time Warner provided information to USAC regarding gifts it had "offered or provided" to various school employees in North Carolina.¹¹ One of those gifts was two tickets to a college basketball game given by Time Warner to Mr. Teal on February 3, 2007, according to Time Warner.¹² Time Warner informed Mr. Teal that the tickets were worth \$35 each.¹³

USAC undertook a special compliance review of Robeson County in 2010. During the review, Robeson County provided all requested information, including information regarding the

⁷ See Exhibit 2. Everette Teal, the District's technology director, completed the Bid Assessment Worksheet on January 22, 2007. The allowable contract date was January 19, 2007. Exhibit 4, FCC Form 471 for Funding Year 2007, at Block 5, including the allowable contract date of January 19, 2007.

⁸ Exhibit 5, Board agenda and minutes for January 29, 2007 meeting.

⁹ Exhibit 4, FCC Form 471 for Funding Year 2007, at Block 5, including the contact award date of February 6, 2007.

¹⁰ *Id.*

¹¹ Exhibit 6, Letter from Maureen Rooney, president, Commercial Services, Time Warner Cable Carolina Region, to Max Lightsey, Schools and Libraries Division, USAC, dated Oct. 13, 2009.

¹² *Id.* at p. 4. Mr. Teal attended the game on February 20, 2007.

¹³ Exhibit 7, Email from Andrew Willis, TWC Business, to Everette Teal, Robeson County Public Schools (July 9, 2010).

tickets provided to Mr. Teal.¹⁴ Robeson County was not informed of any findings by USAC, nor instructed to take any corrective action. Robeson County's applications under this contract were committed, and Robeson County received funding for the E-rate services that were delivered by Time Warner.

Six years later, on August 1, 2016, Robeson County received a notice of a commitment adjustment from USAC for funding year 2011, seeking recovery of approximately \$900,000.¹⁵ Robeson County's FY 2011 application was pursuant to the 2007 contract with Time Warner based on the same procurement at issue for funding years 2007, 2008 and 2009. Robeson County appealed the commitment adjustment, and the appeal was denied by USAC.¹⁶ Robeson County appealed that decision to the Commission.¹⁷ The Commission has not yet acted upon that appeal.

On June 21, 2017, Robeson received commitment adjustments for funding years 2007, 2008 and 2009, based on the same rationale as the commitment adjustment for FY 2011.¹⁸ As its reason for rescinding funding, USAC stated the following:

¹⁴ Robeson County cannot provide the documentation it provided to USAC during the special compliance review because it was destroyed in Hurricane Matthew. Robeson County submitted a Freedom of Information Act request to the Commission on April 6, 2018, to obtain those documents and was told it would cost between \$950 and \$1,300 to receive the documents it submitted as part of the special compliance review. Robeson County subsequently submitted a request for its documents to USAC last week, but has not yet received a response from USAC.

¹⁵ Exhibit 8, Notification of Commitment Adjustment Letter, dated Aug. 1, 2016. The \$3 million recovery amount referenced in this appeal was calculated by adding the \$900,000 from funding year 2011 to the \$2.1 million that is the subject of this appeal.

¹⁶ *Id.*

¹⁷ See Request for Review of a Decision by the Schools and Libraries Division of Robeson County, North Carolina Public Schools, Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6 (filed Dec. 12, 2016).

¹⁸ Exhibit 9.

Documents provided by you and/or Time Warner Cable indicate that there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to/throughout your contractual relationship with Time Warner Cable that [*sic*] you were offered and accepted gifts of value from the service provider, which is not allowed under your districts [*sic*] local gift rule policy. This action resulted in a competitive process that was no longer fair and open. Accordingly, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and the Service Provider.¹⁹

Robeson submitted its appeal of these decisions to USAC on July 6, 2017.²⁰ USAC denied the appeal on February 23, 2018.²¹ USAC stated the following as its reason for denying Robeson County's appeal:

Documents provided by you and/or Time Warner Cable indicate there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to your contractual relationship with Time Warner Cable, you were offered and accepted gifts of value from the service provider. This action resulted in a competitive process that was no longer fair and open. Program rules are such that an applicant should not have a relationship with a service provider prior to or during the competitive bidding process that would unfairly influence the outcome. The dual actions of Time Warner Cable and Robeson County School District violates this tenet.²²

USAC also noted the Commission has reiterated that the five-year time frame for recovery was a policy preference that does not serve as a bar to recovery.²³

Appeals to the Commission of USAC decisions are due within 60 days.²⁴ This appeal is therefore timely filed.

¹⁹ *Id.*

²⁰ Exhibit 10, Administrator's Decision on Appeal.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ 47 C.F.R. §§ 54.719(a), 54.720(b).

II. USAC ERRED IN FINDING THAT ROBESON COUNTY'S COMPETITIVE BIDDING PROCESS WAS NOT FAIR AND OPEN.

USAC states that it based its rescission of funding on the fact that a Robeson County employee accepted a gift from Time Warner prior to its contractual relationship with Time Warner Cable, which “resulted in a competitive process that was no longer fair and open. Program rules are such that an applicant should not have a relationship with a service provider prior to or during the competitive bidding process that would unfairly influence the outcome.” USAC’s analysis is both factually and legally incorrect.

First, contrary to USAC’s assertion, the Robeson County employee did not accept a gift from Time Warner prior to the District’s contractual relationship with the carrier. The inconsequential gift was provided by Time Warner not only after the conclusion of the competitive bidding process, but after the school board had already awarded the contract between the District and Time Warner. As such, the gift did not have any influence on the competitive bidding process.

Second, Robeson County’s procurement process was fair and open and conducted in accordance with Commission rules. Under Commission precedent, an inexpensive gift received after the conclusion of the competitive bidding process, of minimal value, and given to an employee who did not have the authority to bind the District to a contract does not rise to the level of improper influence in the competitive bidding process. Further, based on the bids of the two competing carriers, Robeson County selected Time Warner as the most cost-effective bid—and it was also the least expensive.

A. Contrary to USAC’s Assertion, the One Minor Gift Did Not Improperly Influence the Competitive Bidding Process Because It was Given After the Conclusion of the Process

USAC appears to rely on a misunderstanding of the facts in its finding that Robeson County violated the Commission’s competitive bidding rules. In its Administrative Decision on Appeal, USAC stated that “documentation indicates that *prior to your contractual relationship with Time Warner*, you were offered and accepted gifts of value from the service provider.”²⁵ Mr. Teal accepted the gift from Time Warner only after the conclusion of the competitive bidding process.

As described above, Robeson County posted its FCC Form 470 in December 2006. Robeson County had an allowable contract date of January 19, 2007.²⁶ Consequently, Mr. Teal reviewed and evaluated the bids on January 22, 2007.²⁷ As Time Warner was the least expensive provider by hundreds of thousands of dollars, Time Warner received the most points for price.²⁸ Mr. Teal then, under district practice and procedures, would have submitted the evaluation matrix as well as the actual bids themselves to the Robeson County School Board for its members’ review. The Board reviewed the bids and evaluation and decided at its January 29, 2007 board meeting to accept the Time Warner bid and enter into a contract with Time Warner.²⁹ The competitive bidding process was complete before Time Warner offered Mr. Teal the

²⁵ Exhibit 9, Administrator’s Decision on Appeal.

²⁶ See Exhibit 3, E-rate Bid Response Log.

²⁷ See Exhibit 2, E-rate Bid Assessment Worksheet.

²⁸ *Id.*

²⁹ See Exhibit 5, Robeson County School Board agenda and minutes. We note that USAC may not have had specific details about the timing of the selection of Time Warner as the winning bidder. Because Robeson County does not have its earlier correspondence with USAC, it is not clear whether USAC had specifically requested that information. Regardless, the board documentation provided herein shows that the gift was provided after the Board selected Time Warner as the winning bidder.

basketball tickets on February 3, 2007. Mr. Teal had no idea that Time Warner planned to offer him the tickets prior to that date. All that remained with respect to the process after the January 29, 2007 board meeting was the signing of the contract on February 6, 2007, before the District's submission of its FCC Form 471. Mr. Teal did not have any role in the *pro forma* signing of the contract; that function was carried out by the District's chief financial officer.

The evidence therefore demonstrates that Time Warner gave Mr. Teal the gift after the competitive bidding process had concluded, not before.

B. Robeson County's Competitive Bidding Process Was Fair and Open

Robeson County conducted a competitive bidding process that was fully consistent with Commission requirement to conduct a fair and open procurement.³⁰ Generally speaking, the Commission found that "fair and open" means that all potential bidders have access to the same information and must be treated in the same manner throughout the competitive bidding process.³¹ Further, the Commission stated that applicants must satisfy the Commission's competitive bidding process requirements, including posting the Form 470 and waiting 28 days before selecting a service provider to ensure that all bidders have the same information regarding the bid requirements.

Robeson County satisfied these requirements. It issued an RFP and left the competitive bidding open for the requisite 28 days before selecting a vendor. Once the bids were in, Robeson

³⁰ USAC did not find that Robeson County had violated the Commission's gift rules, as they were not yet adopted at the time this competitive bidding process occurred. *Schools and Libraries Universal Service Support Mechanism; A National Broadband Plan for Our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Sixth Report and Order, 25 FCC Rcd 18762, 18801 ¶ 88 (2010) (*Sixth Report and Order*). The Commission also codified the "fair and open" requirement in the *Sixth Report & Order*. *Id.* at ¶ 85. Prior to the *Sixth Report and Order*, the standard had been referenced in Commission orders. *See, e.g., Request for Review by Ysleta Independent School District of the Decision of the Universal Service Administrator*, CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407 (2003).

³¹ *Id.* at ¶ 86.

County evaluated them using price as the primary factor and, at the conclusion of the bid evaluation process, selected the least expensive and most cost-effective bid—the bid submitted by Time Warner. There is no evidence that Robeson County provided information to Time Warner that it did not provide to other potential bidders or that Robeson County treated Time Warner differently from any other bidder.

USAC seems to believe that the acceptance of a gift from a service provider by an E-rate applicant constituted a *de facto* violation of the competitive bidding rules even before the Commission adopted a rule specifically limiting the provision and acceptance of gifts, regardless of whether there is any evidence that such acceptance actually affected the procurement process.³² USAC apparently believes that, if the winning bidder gave the District a gift, no matter how trivial, by definition its competitive bidding process was illegitimate. But the Commission has never said anything of the sort.

In fact, for gifts given prior to the Commission’s adoption of the gift rules, the Commission analyzed whether gifts accepted by E-rate applicants had improperly influenced the competitive bidding process; they did not find a violation simply because a gift was offered or received. In the *Dimmitt Order*, the Commission found that school districts had conducted fair and open procurements, even when the districts, in some cases, had received gifts totaling

³² To the extent USAC believed it was a local policy that prohibited Time Warner from providing a gift to Mr. Teal, there is likewise no evidence of a violation of those rules. USAC referenced the local rules in its COMAD but did not do so in the administrator’s decision on appeal, relying instead on the timing of the gift and the Commission’s requirement of “fair and open” to deny the appeal. As such, we did not address the local rules as it appears USAC no longer believes the local policies to be a basis for the denial. To the extent that USAC did not properly state its denial reasons or the Commission is concerned about any violation of local or state rules, Robeson County respectfully requests the opportunity to address those issues in a subsequent filing.

hundreds of dollars.³³ The Commission found that the gifts did not compromise the competitive bidding process (1) because they were minimal, (2) because they were provided over the course of several years, *or* (3) because they were given to employees who had no authority to bind the district to a contract or who had no ability to influence the competitive bidding decision.³⁴

Robeson County's one gift raises even fewer concerns regarding improper influence than the gifts in *Dimmitt*. Mr. Teal's gift of \$70 for the two tickets was lower than the gifts provided by the vendor in *Dimmitt*.³⁵ Further, like in *Dimmitt*, the gift was given to an employee that had no authority to bind the district to a contract. The Robeson County Board decides whether to accept a bid and enter into a contract with a vendor. Mr. Teal's role was advisory only. The Board members had all the information necessary to review Mr. Teal's recommendation. Consistent with *Dimmitt*, therefore, the Commission should find that Robeson County conducted a fair and open competitive bidding process.

It is also helpful to contrast the facts in the instant appeal with those discussed in the Commission's *Lakehills Consulting* order, where the Commission found the competitive bidding process was not fair and open.³⁶ Those gifts, provided by several companies to employees in the Houston ISD, totaled *thousands of dollars each year* over the course of several years.³⁷ In addition, those gifts, including several nights of entertainment and meals in Las Vegas and

³³ *Request for Review by Dimmitt Independent School District, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 15581, 15587-88, ¶ 10 (WCB 2011).

³⁴ *Id.* at ¶ 12.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* at ¶ 15.

Seattle, were provided to top administrators in the District.³⁸ There simply is no comparison to the minimal gifts at issue here.

The *Dimmitt* decision is consistent with the Commission’s “goal of prohibiting gifts that might have undue or improper influence on a procurement decision.”³⁹ When adopting its gift rules, the Commission specifically noted that it also intended to acknowledge the “realities of professional interactions,” which includes companies giving customers token gifts.⁴⁰ In the *Sixth Report and Order*, the Commission established a definition of acceptable gifts.⁴¹ Prior to the 2010 adoption of the rules, however, it was not clear which gifts might constitute improper influence and which gifts were simply the result of professional interactions common to the business-customer relationship. USAC may be suggesting that prior to the adoption of a gift rule by the Commission, any gift to any employee was a violation of the Commission’s competitive bidding rules or *per se* resulted in a competitive bidding process that was not fair and open.⁴²

³⁸ *Id.*

³⁹ *Schools and Libraries Universal Service Support Mechanism and A National Broadband Plan for Our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Order, 29 FCC Rcd 5457-58, ¶ 3 (WCB 2014) (“Among other things, the 2010 *Schools and Libraries Sixth Report and Order* adopted gift rules for the E-rate program modeled on the gift rules applicable to federal agencies, *with the goal of prohibiting gifts that might have undue or improper influence on a procurement decision.*”) (emphasis added); *see also Sixth Report and Order* 25 FCC Rcd 18762, 18801 ¶¶ 88-89 (the Commission intended to prohibit activities that “undermine the competitive bidding process” and to prohibit “gifts that might have undue or improper influence on a procurement decision.”).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² At one point in the review process, USAC noted that the FCC Form 471 in effect at the time stated that applicants were prohibited from “receiving anything of value, other than the services and equipment requested under this form . . . in connection with the request for services.” *See, e.g.*, FCC Form 471, OMB 3060-0806 (November 2004). As explained above, the gifts received by District employees were not offered or received in connection with the request for services, as those receiving them had no way to influence any decisions related to the request for service, and the inexpensive meal was received four years prior to the competitive bidding process. Even if the meal actually occurred and TWCIS paid for it, the fact that the relevant employees could not remember the meal undercuts USAC’s argument that the meal would have been considered “in connection with” the funding year 2009 application. Further, in

The Commission did not state that in the *Sixth Report and Order* and such a reading is inconsistent with *Dimmitt*. USAC itself lacks the authority to create rules or even to interpret the Commission's rules.⁴³

In short, there is simply no reason to believe that the gift USAC identified had an undue, improper—or frankly *any*—influence on Robeson County's procurement decision, especially given that it was received after the conclusion of the competitive bidding process, and therefore Robeson County's competitive bidding process was fair and open under Commission rules.

III. RECOVERY OF FUNDING MORE THAN FIVE YEARS AFTER DISBURSEMENT IS PROHIBITED BY FEDERAL LAW AND COMMISSION POLICY

Robeson County recognizes that over the past year and a half, the Commission has declined to recognize any formal temporal limitation on recovery actions by USAC. In the *Net56 Order*, the Commission determined that the five-year investigation period it had previously established in the *Fifth Report and Order* is a “policy preference” and “not an absolute bar to recovery.”⁴⁴ More recently, in its *Blanca Order*, the Commission rejected an argument that the Supreme Court's decision in *Kokesh v. SEC* imposed the general federal five-year statute of limitations in 28 U.S.C. § 2462 on USAC recovery actions.⁴⁵ First, the Commission's decision in *Blanca* can be distinguished here. But even taking these Commission

Dimmitt, the Commission did not rely on this provision in the form to find that the school districts in that order had violated the rules.

⁴³ See 47 C.F.R. § 54.702(c).

⁴⁴ *Application for Review of a Decision of the Wireline Competition Bureau by Net56, Inc., Palatine, Illinois*, CC Docket No. 02-6, Memorandum Opinion and Order, 32 FCC Rcd 963, 966 ¶ 9 (2017).

⁴⁵ *Blanca Telephone Company Seeking Relief from the June 22, 2016 Letter Issued by the Office of the Managing Director Demanding Repayment of a Universal Service Fund Debt Pursuant to the Debt Collection Improvement Act*, CC Docket No. 96-45, Memorandum Opinion and Order and Order on Reconsideration, 32 FCC Rcd 10594, 10611-12, ¶¶ 44-45 (2017) (*Blanca*).

orders into account, USAC must still respect the Commission’s unequivocal preference for concluding investigations within five years.

First, notwithstanding the Commission’s decision in *Blanca*, the five-year statute of limitations provision should apply here. The five-year statute of limitations applies to the “enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise.”⁴⁶ In *Kokesh v. SEC*, the Court found that the SEC’s disgorgement action constituted a “penalty” under the statute because a penalty addresses a wrong against the public, not an individual, and is sought for the purpose of punishment and deterrence, not just compensation of a victim.⁴⁷ In *Blanca*, the Commission determined that the federal five-year statute of limitations provision was not applicable to *Blanca* because the recovery at issue was not a penalty but “merely recovers for the USF a windfall to which *Blanca* was not entitled.”⁴⁸ Contrary to the Commission’s decision *Blanca*, recovering \$3 million because of a \$70 gift can only be characterized as a penalty, especially when there was no effect on the competitive bidding process and therefore no harm to the fund. Here, USAC has not shown any harm to the universal service fund, and, as demonstrated above, Robeson County selected the least expensive carrier in its competitive bidding process. Unlike *Blanca*, Robeson County received no “windfall”; USAC disbursed funds that paid for E-rate eligible services that Robeson County used to provide educational opportunities for its students—in furtherance of the E-rate program’s statutory goals. As a result, the only purpose for recovery here would be to punish the school district and deter future

⁴⁶ 28 U.S.C. § 2462.

⁴⁷ *Kokesh v. SEC*, 137 S. Ct. 1635, 1642 (2017).

⁴⁸ *Blanca* at 10612, ¶ 45.

violations by E-rate applicants and service providers, which would mean the statutory limitation should apply.

Further, the Commission has recognized that there are important policy reasons to limit its review period. In its *Fifth Report and Order*, the Commission established a policy that “USAC and the Commission shall carry out any audit or investigation that may lead to discovery of any violation of the statute or a rule within five years of the final delivery of service for a specific funding year.”⁴⁹ In adopting that policy, the Commission recognized that “conducting inquiries within five years strikes an appropriate balance between preserving the Commission’s fiduciary duty to protect the fund against waste, fraud and abuse *and the beneficiaries’ needs for certainty and closure in their E-rate application processes.*”⁵⁰ The *Net56 Order* clarified that the five-year period in the *Fifth Report and Order* was a policy preference rather than a hard deadline, but at the same time it reiterated the policy considerations described in the *Fifth Report and Order*, stressing that the Commission “continue[s] to believe that the best course is for USAC to aim to complete its investigations and seek recovery of funds within five years, whenever possible” and directing USAC “to incorporate that as an objective in its annual performance metrics plan.”⁵¹

The Supreme Court has also explained on numerous occasions why statutes of limitations are so important as a matter of policy. In *Kokesh*, the Court explained that statutes of limitations “are ‘vital to the welfare of society’ and rest on the principle that ‘even wrongdoers are entitled

⁴⁹ 47 U.S.C. § 254(b)(6).

⁵⁰ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808 (2004) ¶ 33 (emphasis added) (*Fifth Report and Order*).

⁵¹ *Id.*

to assume that their sins may be forgotten.”⁵² The Court has gone so far as to point out that “[i]n a country where *not even treason* can be prosecuted, after a lapse of three years, it could scarcely be supposed, that an individual would remain forever liable to a pecuniary forfeiture.”⁵³

Even if no formal statute of limitations applies to E-rate recovery actions, the policy concerns that the Commission recognized in the *Fifth Report and Order* and the *Net56 Order*, and that the Supreme Court described in *Kokesh* and elsewhere, are no less applicable. As a matter of good policy and essential fairness, USAC should be far more hesitant than it is to rescind funding committed seven years ago. USAC has chosen to ignore the Commission’s policy preference over a \$70 gift used more than 11 years ago, long before the Commission adopted a gift rule for the E-rate program, despite a complete lack of evidence that this gift affected the competitive bidding process in any way. It is difficult to imagine a less significant reason for rescinding funding, or a more arbitrary and inexplicable change of course. If the Commission affirms decisions such as this one, E-rate applicants will *never* experience the “certainty and closure” that the Commission has directed USAC to prioritize. The Commission must reverse USAC’s decision, because if this decision is permitted to stand, then the Commission’s longstanding policy preference for concluding universal service funding investigations within five years is rendered meaningless.

⁵² *Id.*

⁵³ *3M v. Browner*, 17 F.3d at 1457 (quoting *Adams v. Woods*, 6 U.S. (2 Cranch) 336, 341, 2 L.Ed. 297 (1805) (Marshall, C.J.) (emphasis added)).

IV. TIME WARNER IS EQUALLY RESPONSIBLE FOR ANY VIOLATIONS OF THE RULES

If the Commission determines that there was a competitive bidding violation (which we have demonstrated above is not the case), then Time Warner was equally responsible for any violation of the Commission's competitive bidding rules. First, every carrier must certify annually on the FCC Form 473 that it is compliance with the Commission's rules.⁵⁴ Second, in the *Fourth Report and Order*, the Commission directed USAC to seek recovery of funds based on the assignment of fault.⁵⁵ Here, if Robeson County is found to have violated the Commission requirement that the competitive bidding process be fair and open, then surely Time Warner contributed to that violation by offering the gift in the first place. Finally, given Time Warner's role, it is simply unfair to place the entire penalty on the District. That being said, Robeson County does not believe either party has violated the Commission's rules.

V. IN THE ALTERNATIVE, A WAIVER OF THE COMMISSION'S RULES IS IN THE PUBLIC INTEREST

As demonstrated above, Robeson County conducted a fair and open competitive bidding process. To the extent that the Commission concludes that a violation of the gift rule occurred, however, the District respectfully argues that a waiver of that rule would be in the public interest and would constitute a more effective implementation of overall E-rate policy.

⁵⁴ FCC Form 473.

⁵⁵ *Federal-State Joint Board on Universal Service, Changes to the Board of Directors for the National Exchange Carrier Association, Inc., Schools and Libraries Universal Service Support Mechanism*, CC Docket Nos. 96-45, 97-21 and 02-6, Order on Reconsideration and Fourth Report and Order, FCC 04-181, ¶¶ 10, 15 (2004) (*Fourth Report and Order*).

Any of the Commission's rules may be waived if good cause is shown.⁵⁶ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁵⁷ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁵⁸

The Commission has waived competitive bidding rules when applicants' "competitive bidding processes were not compromised by their technical violation of the Commission's competitive bidding requirements."⁵⁹ Even if a Robeson County employee's acceptance of one gift may have technically violated the Commission's rules, the competitive bidding process was not compromised. As detailed above, the gift was given after the selection of Time Warner as the winning bidder so there was no influence—good, bad or otherwise—on the competitive bidding process. Like in *Aberdeen*, then, the Commission should find a waiver would be appropriate in these circumstances.

⁵⁶ 47 C.F.R. § 1.3.

⁵⁷ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (Northeast Cellular).

⁵⁸ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁵⁹ See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 96-45, Public Notice (WCB February 29, 2016) (granting Request for Review by Riverside Unified School District, CA, CC Docket No. 02-6 (filed Dec. 10, 2015) citing to *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1941 at ¶ 1 (WCB 2012) (granting waiver to San Jose Unified School District of competitive bidding rule requiring compliance with state and local procurement law when the applicant violated a state rule requiring the RFP to be published in a newspaper of general circulation but the applicant published the RFP on its website and received sufficient bid responses, and there was no evidence of waste, fraud, and abuse).

Furthermore, the Commission has routinely waived competitive bidding rules when the applicant has selected the lowest-cost bidder.⁶⁰ As we have explained, Time Warner was the lowest-cost bidder when it won the District's business for Internet and telecommunications services—by a significant amount. The Commission should waive the rule here where, as in the other appeals, the universal service fund was not harmed because the applicant selected the lowest-cost vendor.

A finding by the Commission that this one gift—given after the conclusion of the competitive bidding process and worth no more than \$70—constituted an improper influence would require the District to repay \$3 million in funding. This disproportionately punitive outcome would cause substantial harm to students in Robeson County and would not serve the purposes of the E-rate program in general. Accordingly, the District urges the Commission to waive its competitive bidding rules to the extent necessary to avoid such an egregious outcome.

⁶⁰ See, e.g., *Request for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109 (Wireline Comp. Bur. 2011) (*Allendale Order*) (finding that a waiver of the Commission's competitive bidding rules was in the public interest where the petitioners selected the least expensive responsive service offering).

VI. CONCLUSION

For the foregoing reasons, the District respectfully requests that the Commission grant this appeal. If the Commission believes that the gift was prohibited under the Commission's rules, the District respectfully requests that the Commission waive its rules, consistent with its precedent, especially given that the error had no effect on the competitive bidding process and given that the District selected the lowest-cost bidder.

Respectfully submitted,

/s/ Gina Spade

Gina Spade
Broadband Legal Strategies
1629 K Street, NW Suite 300
Washington, DC 20006
DC Bar # 452207
gina@broadbandlegal.com
202-907-6252

April 24, 2018

CERTIFICATE OF SERVICE

This is to certify that on this 24th day of April, 2018, a true and correct copy of the foregoing Request for Review was sent to the following parties in the manner indicated below:

Schools and Libraries Division
Universal Service Administrative Company
Appeals@sl.universalservice.org
(via email)

Matthew Brill
Latham & Watkins LLP - Washington, DC
555 Eleventh Street, NW
Washington, DC 20004-1304
matthew.brill@lw.com
(via email)

/s/ Theresa Schrader

Theresa Schrader

ATTACHMENTS

Affidavit of Everett Teal


- Exhibit 1 FRN Status Tool Spreadsheet
- Exhibit 2 E-rate Bid Assessment Worksheet, dated January 22, 2007
- Exhibit 3 E-rate Bid Response Log
- Exhibit 4 FCC Form 471 for funding year 2007
- Exhibit 5 Board agenda and minutes for January 29, 2007 meeting
- Exhibit 6 Letter from Maureen Rooney, president, Commercial Services, Time Warner Cable Carolina Region, to Max Lightsey, Schools and Libraries Division, USAC, dated Oct. 13, 2009
- Exhibit 7 Email from Andrew Willis, TWC Business, to Everett Teal, Robeson County Public Schools (July 9, 2010)
- Exhibit 8 Notification of Commitment Adjustment Letter for Funding Year 2011, dated Aug. 1, 2016
- Exhibit 9 Notification of Commitment Adjustment Letter for Funding Years 2007, 2008 and 2009
- Exhibit 10 Administrator's Decisions on Appeal

[illegible]

1. That I am the Director of Technology for Robeson County Public Schools, North Carolina I was hired by the district for that position in 5/2003.
2. That I have read the foregoing appeal and avow the information stated therein is true and correct to the best of my knowledge and belief.

Everette Teal
Director of Technology
Robeson County Public Schools
201 East Livemore Drive
Pembroke, NC 28372

[illegible]


Everett Teal

Courtney L. Chavis
Notary Public

Exhibit 1

[illegible]

Exhibit 2

E-Rate Bid Assessment Worksheet

Funding Year 2007-2008

Page 1 of 1

Project or Service
Description

Internet Access

Vendor Scoring (use additional worksheets if necessary)

Selection Criteria	Weight*	Vendor # 1 Time Warner		Vendor # 2 Schoolink		Vendor # 3		Vendor # 4		Vendor # 5	
		Raw Score**	Weighted Score***	Raw Score	Weighted Score	Raw Score	Weighted Score	Raw Score	Weighted Score	Raw Score	Weighted Score
Cost Proposal	20%	5	1	4	0.8		0		0		0
Understanding of Needs	15%	4	0.6	5	0.75		0		0		0
Technical Approach	15%	5	0.75	3	0.45		0		0		0
Qualifications/EXP.	15%	4	0.6	3	0.45		0		0		0
Financial Stability	10%	5	0.5	5	0.5		0		0		0
Product Knowledge	10%	4	0.4	4	0.4		0		0		0
Customer Service Support	15%	5	0.75	4	0.6		0		0		0
Overall Ranking	100%	4.6		3.95		0		0		0	

Vendor Selected: Time Warner Cable
Approved By: Everette Teal
Title: Director of Technology
Date: 22-Jan-07

Bid Assessment Comments, if needed:

Notes:

- * Percentage weights must add up to 100%. Price must be weighted the heaviest.
- ** Evaluated on a scale of 1 to 5: 1=worst, 5=best.
- *** Weight x Raw Score

Exhibit 3

E-Rate Bid Response Log

Funding Year: 2007-2008

Page 1 of 1

Form 470 No.: 385280000611565


Allowable Contract Date: 1/19/2007

Form 470 Service or Function*	FRN**	Date	Contact Type	Vendor	Vendor Response Information***		Comments
<u>Telecommunications Services</u>							
<u>Internet Access</u>							
Internet Access		1/19/2007	proposal	Time Warner Cable	143027380	\$	804,000.00
Internet Access		1/19/2007	proposal	School Link	200917633	\$	1,268,000.00
<u>Internal Connections</u>							

Notes:
 * Include every service listed on the Form 470. If a service is split into separate FRNs, insert additional lines.
 ** Enter FRN number after Form 471 application is filed and funding request numbers are assigned.
 *** An existing service provider can be considered a bidder based on current rates and services. If an existing vendor does not submit a new bid, enter "N/A" in the Date column, and "Existing Provider" in the Comments column.

Exhibit 4

FCC Form 471



Approval by OMB
3060-0806

Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471
Estimated Average Burden Hours per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)
The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier
(Create your own code to identify THIS form 471)

Rob-Email 07-10

Form 471 Application#
(To be assigned by administrator)

583701

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)

1 a

Name of Billed Entity

ROBESON COUNTY PUBLIC SCHOOLS

2 a

Funding Year: July 1,

2007 Through June 30: 2008

Billed Entity Number:126994

4 a

Street Address, P.O. Box, or Routing Number

PO DRAWER 2909

City

LUMBERTON

State

NC

Zip Code 28359 2909

5 a

Type of Application

☐ Individual School (individual public or non-public school)

☐ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)

☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)

☐ Consortium ☐ Check here if any members of this consortium are ineligible or non-governmental entities)

6

Contact Person's Name

Everette Teal

First, if the Contact Person's Street Address is the same as in Item 4, check this box.

If not, please complete the entries for the Street Address below.

b

Street Address, P.O. Box, or Routing Number

PO DRAWER 2909

City


LUMBERTON

State

NC

Zip Code 28359 2909

Page 1 of 7



FCC Form 471 - November 2004

Entity Number	<u>126994</u>	Applicant's Form Identifier	<u>Rob-Email 07-10</u>
Contact Person	<u>Everette Teal</u>	Phone Number	<u>910-671-6054</u>

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

file:///C:/Users/Broadband%20Legal/OneDrive%20-%20Broadband%20Legal/Robeson/471%20%23583701%20FY2007.html[4/24/2018 3:38:22 PM]

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools

IF THIS APPLICATION INCLUDES SCHOOLS...		BEFORE ORDER	AFTER ORDER
7a	Number of students to be served		24320
b	Telephone service: Number of classrooms with phone service	120	210
c	Dial-up Internet access: Number of connections (up to 56kbps)	2	1
d	Direct broadband services: Number of buildings served at the following speeds: Between 10 mbps and 200 mbps	46	47
e	Direct connections to the Internet: Number of drops	11000	11211
f	Number of classrooms with Internet access	1781	1797
g	Number of computers or other devices with Internet access	10000	8640

Block 3: Impact of Services Ordered on Libraries
NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT

Worksheet A No: 916894		Student Count: 25300			
Weighted Product (Sum. Column 8): 21885.2				Shared Discount: 87%	
1. School Name: BOARD OF EDUCATION					
2. Entity Number: 16021650 NCES:					
3. Rural/Urban: Rural					
4. Student Count: 0		5. NSLP Students: 0		6. NSLP Students/Students:	
7. Discount: 87%		8. Weighted Product: 0			
9. Pre-K/Adult Ed/Juv: N		10. Alt Disc Mech: N			
1. School Name: CAREER CENTER					
2. Entity Number: 16021647 NCES:					
3. Rural/Urban: Rural					
4. Student Count: 0		5. NSLP Students: 0		6. NSLP Students/Students:	
7. Discount: 87%		8. Weighted Product: 0			
9. Pre-K/Adult Ed/Juv: N		10. Alt Disc Mech: N			
1. School Name: CARROLL MIDDLE SCHOOL					
2. Entity Number: 29517		NCES: 37 03930 02235			
3. Rural/Urban: Rural					
4. Student Count: 586		5. NSLP Students: 454		6. NSLP Students/Students: 77.474%	
7. Discount: 90%		8. Weighted Product: 527.4			
9. Pre-K/Adult Ed/Juv: N		10. Alt Disc Mech: N			
1. School Name: COMPUTER SERVICES					
2. Entity Number: 16021649 NCES:					
3. Rural/Urban: Rural					
4. Student Count: 0		5. NSLP Students: 0		6. NSLP Students/Students:	
7. Discount: 87%		8. Weighted Product: 0			

9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: DEAN ELEMENTARY SCHOOL
2. Entity Number: 29533 NCES: 37 03930 02051
3. Rural/Urban: Rural
4. Student Count: 399 5. NSLP Students: 371 6. NSLP Students/Students: 92.982%
7. Discount: 90% 8. Weighted Product: 359.1
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: DEEP BRANCH ELEM SCHOOL
2. Entity Number: 29512 NCES: 37 03930 01569
3. Rural/Urban: Rural
4. Student Count: 476 5. NSLP Students: 402 6. NSLP Students/Students: 84.453%
7. Discount: 90% 8. Weighted Product: 428.4
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: EARLY COLLEGE HIGH SCHOOL
2. Entity Number: 16036136 NCES: 00 00000 00000
3. Rural/Urban: Rural
4. Student Count: 146 5. NSLP Students: 107 6. NSLP Students/Students: 73.287%
7. Discount: 80% 8. Weighted Product: 116.8
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: EAST ROBESON ELE SCHOOL
2. Entity Number: 29527 NCES: 37 03930 2050
3. Rural/Urban: Rural
4. Student Count: 669 5. NSLP Students: 495 6. NSLP Students/Students: 73.991%
7. Discount: 80% 8. Weighted Product: 535.2
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: FAIRGROVE ELEMENTARY SCHOOL
2. Entity Number: 29478 NCES: 37 03930 01570
3. Rural/Urban: Rural
4. Student Count: 336 5. NSLP Students: 320 6. NSLP Students/Students: 95.238%
7. Discount: 90% 8. Weighted Product: 302.4
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: FAIRMONT HIGH SCHOOL
2. Entity Number: 29477 NCES: 37 03930 2232
3. Rural/Urban: Rural
4. Student Count: 775 5. NSLP Students: 625 6. NSLP Students/Students: 80.645%
7. Discount: 90% 8. Weighted Product: 697.5
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: FAIRMONT MIDDLE SCHOOL
2. Entity Number: 29475 NCES: 37 03930 02233
3. Rural/Urban: Rural
4. Student Count: 431 5. NSLP Students: 406 6. NSLP Students/Students: 94.199%
7. Discount: 90% 8. Weighted Product: 387.9
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: GREEN GROVE ELEM SCHOOL
2. Entity Number: 29473 NCES: 37 03930 01571
3. Rural/Urban: Rural
4. Student Count: 278 5. NSLP Students: 256 6. NSLP Students/Students: 92.086%
7. Discount: 90% 8. Weighted Product: 250.2
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: INDIAN EDUCATION CENTER
2. Entity Number: 16021648 NCES:
3. Rural/Urban: Rural
4. Student Count: 0 5. NSLP Students: 0 6. NSLP Students/Students:

7. Discount: 87%	8. Weighted Product: 0
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N
1. School Name: INFORMATION TECHNOLOGY HIGH SCHOOL	
2. Entity Number: 16039829	NCES: 0
3. Rural/Urban: Rural	
4. Student Count: 94	5. NSLP Students: 65
	6. NSLP Students/Students: 69.148%
7. Discount: 80%	8. Weighted Product: 75.2
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N
1. School Name: JANIE C. HARGRAVE ELE SCHOOL	
2. Entity Number: 29521	NCES: 37 03930 02234
3. Rural/Urban: Rural	
4. Student Count: 303	5. NSLP Students: 289
	6. NSLP Students/Students: 95.379%
7. Discount: 90%	8. Weighted Product: 272.7
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N
1. School Name: KNUCKLES ELEMENTARY SCHOOL	
2. Entity Number: 29513	NCES: 37 03930 02247
3. Rural/Urban: Rural	
4. Student Count: 311	5. NSLP Students: 310
	6. NSLP Students/Students: 99.678%
7. Discount: 90%	8. Weighted Product: 279.9
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N
1. School Name: LITTLEFIELD MIDDLE SCHOOL	
2. Entity Number: 29514	NCES: 37 03930 1572
3. Rural/Urban: Rural	
4. Student Count: 802	5. NSLP Students: 596
	6. NSLP Students/Students: 74.314%
7. Discount: 80%	8. Weighted Product: 641.6
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N
1. School Name: LONG BRANCH ELEMENTARY SCHOOL	
2. Entity Number: 29525	NCES: 37 03930 1573
3. Rural/Urban: Rural	
4. Student Count: 401	5. NSLP Students: 397
	6. NSLP Students/Students: 99.002%
7. Discount: 90%	8. Weighted Product: 360.9
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N
1. School Name: LUMBERTON JUNIOR HIGH SCHOOL	
2. Entity Number: 29523	NCES: 37 03930 02236
3. Rural/Urban: Rural	
4. Student Count: 668	5. NSLP Students: 488
	6. NSLP Students/Students: 73.053%
7. Discount: 80%	8. Weighted Product: 534.4
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N
1. School Name: LUMBERTON SENIOR HIGH SCHOOL	
2. Entity Number: 29518	NCES: 37 03930 2237
3. Rural/Urban: Rural	
4. Student Count: 2368	5. NSLP Students: 1540
	6. NSLP Students/Students: 65.033%
7. Discount: 80%	8. Weighted Product: 1894.4
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N
1. School Name: MAGNOLIA ELEMENTARY SCHOOL	
2. Entity Number: 29515	NCES: 37 03930 01574
3. Rural/Urban: Rural	
4. Student Count: 884	5. NSLP Students: 782
	6. NSLP Students/Students: 88.461%
7. Discount: 90%	8. Weighted Product: 795.6
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N
1. School Name: ORRUM MIDDLE SCHOOL	
2. Entity Number: 29545	NCES: 37 03930 1575

3. Rural/Urban: Rural	5. NSLP Students: 308	6. NSLP Students/Students: 80.000%
4. Student Count: 385	8. Weighted Product: 346.5	
7. Discount: 90%	10. Alt Disc Mech: N	
9. Pre-K/Adult Ed/Juv: N		

1. School Name: OXENDINE ELEMENTARY SCHOOL		
2. Entity Number: 29535	NCES: 37 03930 01576	
3. Rural/Urban: Rural		
4. Student Count: 417	5. NSLP Students: 373	6. NSLP Students/Students: 89.448%
7. Discount: 90%	8. Weighted Product: 375.3	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: PARKTON ELEMENTARY SCHOOL		
2. Entity Number: 29547	NCES: 37 03930 01577	
3. Rural/Urban: Rural		
4. Student Count: 618	5. NSLP Students: 508	6. NSLP Students/Students: 82.200%
7. Discount: 90%	8. Weighted Product: 556.2	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: PEMBROKE ELEMENTARY SCHOOL		
2. Entity Number: 29549	NCES: 37 03930 1578	
3. Rural/Urban: Rural		
4. Student Count: 806	5. NSLP Students: 620	6. NSLP Students/Students: 76.923%
7. Discount: 90%	8. Weighted Product: 725.4	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: PEMBROKE MIDDLE SCHOOL		
2. Entity Number: 29550	NCES: 37 03930 1579	
3. Rural/Urban: Rural		
4. Student Count: 780	5. NSLP Students: 592	6. NSLP Students/Students: 75.897%
7. Discount: 90%	8. Weighted Product: 702	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: PETERSON ELEMENTARY SCHOOL		
2. Entity Number: 29566	NCES: 37 03930 02238	
3. Rural/Urban: Rural		
4. Student Count: 631	5. NSLP Students: 549	6. NSLP Students/Students: 87.004%
7. Discount: 90%	8. Weighted Product: 567.9	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: PINEY GROVE ELEMENTARY SCHOOL		
2. Entity Number: 29524	NCES: 37 03930 01581	
3. Rural/Urban: Rural		
4. Student Count: 675	5. NSLP Students: 572	6. NSLP Students/Students: 84.740%
7. Discount: 90%	8. Weighted Product: 607.5	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: PROSPECT ELEM & JR HIGH SCH		
2. Entity Number: 29534	NCES: 37 03930 1583	
3. Rural/Urban: Rural		
4. Student Count: 952	5. NSLP Students: 666	6. NSLP Students/Students: 69.957%
7. Discount: 80%	8. Weighted Product: 761.6	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: RED SPRINGS MIDDLE SCHOOL		
2. Entity Number: 29563	NCES: 37 03930 02240	
3. Rural/Urban: Rural		
4. Student Count: 600	5. NSLP Students: 542	6. NSLP Students/Students: 90.333%
7. Discount: 90%	8. Weighted Product: 540	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: RED SPRINGS SENIOR HIGH SCHOOL		
--	--	--

2. Entity Number: 29564	NCES: 37 03930 2239	
3. Rural/Urban: Rural		
4. Student Count: 681	5. NSLP Students: 563	6. NSLP Students/Students: 82.672%
7. Discount: 90%	8. Weighted Product: 612.9	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: REX-RENNERT ELEMENTARY SCHOOL		
2. Entity Number: 29594	NCES: 37 03930 01585	
3. Rural/Urban: Rural		
4. Student Count: 437	5. NSLP Students: 404	6. NSLP Students/Students: 92.448%
7. Discount: 90%	8. Weighted Product: 393.3	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: ROSENWALD ELEMENTARY SCHOOL		
2. Entity Number: 29476	NCES: 37 03930 02241	
3. Rural/Urban: Rural		
4. Student Count: 685	5. NSLP Students: 622	6. NSLP Students/Students: 90.802%
7. Discount: 90%	8. Weighted Product: 616.5	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: ROWLAND MIDDLE SCHOOL		
2. Entity Number: 29586	NCES: 37 03930 02183	
3. Rural/Urban: Rural		
4. Student Count: 194	5. NSLP Students: 176	6. NSLP Students/Students: 90.721%
7. Discount: 90%	8. Weighted Product: 174.6	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: ROWLAND NORMENT ELEM SCHOOL		
2. Entity Number: 29520	NCES: 37 03930 02242	
3. Rural/Urban: Rural		
4. Student Count: 575	5. NSLP Students: 499	6. NSLP Students/Students: 86.782%
7. Discount: 90%	8. Weighted Product: 517.5	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: SOUTH ROBESON HIGH SCHOOL		
2. Entity Number: 29585	NCES: 37 03930 2184	
3. Rural/Urban: Rural		
4. Student Count: 565	5. NSLP Students: 518	6. NSLP Students/Students: 91.681%
7. Discount: 90%	8. Weighted Product: 508.5	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: SOUTHSIDE-ASHPOLE ELEM SCHOOL		
2. Entity Number: 29587	NCES: 37 03930 01588	
3. Rural/Urban: Rural		
4. Student Count: 393	5. NSLP Students: 364	6. NSLP Students/Students: 92.620%
7. Discount: 90%	8. Weighted Product: 353.7	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: ST PAULS ELEMENTARY SCHOOL		
2. Entity Number: 29591	NCES: 37 03930 02243	
3. Rural/Urban: Rural		
4. Student Count: 911	5. NSLP Students: 717	6. NSLP Students/Students: 78.704%
7. Discount: 90%	8. Weighted Product: 819.9	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: ST PAULS HIGH SCHOOL		
2. Entity Number: 29588	NCES: 37 03930 02244	
3. Rural/Urban: Rural		
4. Student Count: 974	5. NSLP Students: 730	6. NSLP Students/Students: 74.948%
7. Discount: 90%	8. Weighted Product: 876.6	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: N	

1. School Name: ST PAULS MIDDLE SCHOOL
2. Entity Number: 29589 NCES: 37 03930 2245
3. Rural/Urban: Rural
4. Student Count: 518 5. NSLP Students: 415 6. NSLP Students/Students: 80.115%
7. Discount: 90% 8. Weighted Product: 466.2
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: SWETT HIGH SCHOOL
2. Entity Number: 29551 NCES: 37 03930 2102
3. Rural/Urban: Rural
4. Student Count: 1619 5. NSLP Students: 1205 6. NSLP Students/Students: 74.428%
7. Discount: 80% 8. Weighted Product: 1295.2
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: TANGLEWOOD ELEMENTARY SCHOOL
2. Entity Number: 29519 NCES: 37 03930 02246
3. Rural/Urban: Rural
4. Student Count: 510 5. NSLP Students: 147 6. NSLP Students/Students: 28.823%
7. Discount: 60% 8. Weighted Product: 306
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: TOWNSEND MIDDLE SCHOOL
2. Entity Number: 29532 NCES: 37 03930 02052
3. Rural/Urban: Rural
4. Student Count: 247 5. NSLP Students: 231 6. NSLP Students/Students: 93.522%
7. Discount: 90% 8. Weighted Product: 222.3
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: UNION CHAPEL ELEMENTARY SCHOOL
2. Entity Number: 29552 NCES: 37 03930 01589
3. Rural/Urban: Rural
4. Student Count: 565 5. NSLP Students: 434 6. NSLP Students/Students: 76.814%
7. Discount: 90% 8. Weighted Product: 508.5
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: UNION ELEMENTARY SCHOOL
2. Entity Number: 29583 NCES: 37 03930 01590
3. Rural/Urban: Rural
4. Student Count: 468 5. NSLP Students: 391 6. NSLP Students/Students: 83.547%
7. Discount: 90% 8. Weighted Product: 421.2
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: WEST LUMBERTON ELEM SCHOOL
2. Entity Number: 29522 NCES: 37 03930 02248
3. Rural/Urban: Rural
4. Student Count: 167 5. NSLP Students: 160 6. NSLP Students/Students: 95.808%
7. Discount: 90% 8. Weighted Product: 150.3
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

Block 5: Discount Funding Request(s)

FRN: 1618225 FCDL Date: 07/17/2007	
10. Original FRN:	
11. Category of Service: Internet Access	12. 470 Application Number: 640710000612048
13. SPIN: 143048275	14. Service Provider Name: Time Warner Cable Business LLC

15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: N/A
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 9106716054	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/19/2007	18. Contract Award Date: 02/06/2007
19a. Service Start Date: 07/01/2007	19b. Service End Date:
20. Contract Expiration Date: 06/30/2012	
21. Attachment #: TW-Email 07-12	22. Block 4 Worksheet No.: 916894
23a. Monthly Charges: \$4,383.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$4,383.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$52,596.00	
23f. Annual non-recurring (one-time) charges: 17000	23g. Ineligible non-recurring amt.: 17000
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$52,596.00	
23j. % discount (from Block 4): 87	
23k. Funding Commitment Request (23i x 23j): \$45,758.52	

Block 6: Certifications and Signature

Application ID:583701



Entity Number	<u>126994</u>	Applicant's Form Identifier	<u>Rob-Email 07-10</u>
Contact Person	<u>Everette Teal</u>	Phone Number	<u>910-671-6054</u>

Block 6: Certifications and Signature

24. ☐ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- a. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. ☐ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

Total funding year pre-discount amount on this Form 471 (Add the entities

a.	from Item 23l on all Block 5 Discount Funding Requests.)	\$52,596.00
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$45,758.52
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$6,837.48
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$675,000.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$681,837.48
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☐ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☐ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

27. ☐ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☐ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29. ☐ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.

30. ☐ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

31. ☐ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

32. ☐ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules

regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

- 33.☐ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
- 34.☐ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- 35.☐ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
- 36.☐ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
- 37.☐ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date 2/7/2007 4:24:16 PM

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or

implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**



Exhibit 5

PUBLIC SCHOOLS OF ROBESON COUNTY

Board of Education Meeting

January 29, 2007 – 7:00 PM

AGENDA

Call to Order	Chairman John Campbell
Invocation	Mr. Stephen Stone
Adoption of Agenda	Chairman John Campbell
Approval of Minutes – Open Session	Chairman John Campbell

INFORMATION ITEMS

Public Comments	Chairman John Campbell
Employees of the Month Award	Mr. Danny Stedman
Carroll Middle School PTA - Lowe's Grant	Mr. Danny Stedman Ms. Angela Sumner – PTA President
Bus Driver of the Month Award	Mr. Raymond Cummings
Safe Schools Awards	Mr. Herman Locklear
Construction Update	Mr. Walter Vick
E-Rate Funding 2007-2008	Dr. Linda Emanuel/Mr. Everette Teal
Superintendent's Budget Calendar	Mr. Arthur Leggett

ACTION ITEMS

Resolution – Shining Star Lodge #80 and Red Springs Gleaners #382	Ms. Brenda Fairley
Lumberton High School and Red Springs High School Greenhouses – Change Order	Mr. Danny Stedman

CLOSED SESSION

- Student Transfers
- Certified/Classified Personnel
- Legal Issues

Closed Session Minutes	Chairman John Campbell
------------------------	------------------------

January 29, 2007

(minutes)

G. E-Rate Funding 2007-2008

Dr. Linda Emanuel: At the last Board Meeting we brought to you the E-Rate asking permission to apply for it. We have received some bids since then. Mr. Everette Teal will give that update.

Mr. Everette Teal: The bid requests are for internet access, cell phones and e-mail service. The federal government gives us criteria to look at before making a final selection. The lowest bid for internet access is Time Warner at \$804,000.00. School Link is \$1,268,000.00. Our projected percentage for free and reduced lunches for October is 87% which was previously 85%. Before the deadline of February 7 we will look at the percentages again and it could go up. Email – Gaggle is \$52,650.00, Epal is \$67,500.00, School Loop is \$80,000.00, and Time Warner is \$83,069.28. According to the E-Rate Umbrella Act if you are a multi-tasked service provider they are allowed to come back in and submit another bid. The Umbrella bid is \$52,650.00. Cell Phones – there was one bid – Alltel. The positive side of this is that if we remain with Alltel we will not have to possibly spend \$60,000.00. With Verizon and SunCom we would have to buy new phones. If you have questions to any of the bids we have representatives here if not we would like to move forward and accept the lowest bid. The other items for bid have not come in. It will be February 2, and on February 5, the committee will come back and open the bids, finalize a selection. February 7 is the deadline to the federal government for filing. Tony Jenkins: The bids for e-mail under the

umbrella bid from Time Warner, being slightly cheaper than Gaggle, given the fact that we would have one provider that will take care of two issues, why are we sticking with Gaggle? Mr. Everette Teal: I made a suggestion that Time Warner came in at \$52,650.00 according to the Umbrella Act through the federal government it will be on one bill. Tony Jenkins: So we are accepting Time Warner for E-Mail service? Mr. Everette Teal: If you all approve. Tony Jenkins: So your request is to accept the internet access, Time Warner, and the E-Mail Service, Time Warner? Mr. Everette Teal: And the cell phones from Alltel.

Robert Deese: I make a motion that we accept these recommendations. Loistine DeFreece: Second. Superintendent Johnny Hunt: As Mr. Teal has stated, the other bids will come in on February 2 and the committee will meet. I would like to request from the Board that the committee be allowed to look at the bids, and any Board Members who would like to attend please do so, and to allow us to accept the lowest bid so we can get the information sent back in by February 7. Robert Deese: I would like to modify my motion to include the privilege to accept the lowest bids as the superintendent has suggested and have that report at the next Board meeting. Loistine DeFreece: Second. Chairman John Campbell: Any discussion?

Brenda Fairley: I would like to set aside policy and move this to an action item. Mike Smith: Second. Chairman John Campbell: We have a motion and a second. All in favor say aye. All opposed? Motion carried.

Exhibit 6



October 13, 2009

Max Lightsey
Special Compliance Review
Schools and Libraries Division
Universal Service Administrative Company (USAC)
Phone: 862.432.0769
Fax: 973-599-6552

Dear Mr. Lightsey:

Time Warner Cable Information Services (North Carolina), LLC ("TWCIS(NC)") hereby responds to your letter of September 11, 2009 in connection with TWCIS(NC)'s participation in the Schools and Libraries ("E-Rate") Program. TWCIS(NC) is proud to participate in the E-Rate Program and to play its part in ensuring that schools and libraries have access to affordable telecommunications and information services.

Your letter refers to an allegation that TWCIS(NC) may have provided gifts to the technology director and other employees of Union County Public Schools in exchange for special consideration in the awarding of E-Rate contracts. TWCIS(NC) appreciates the opportunity to address this concern. TWCIS(NC) takes its obligations as a program participant extremely seriously. In addition to seeking to ensure strict compliance with the FCC's rules, TWCIS(NC) strives to avoid even an appearance of impropriety.

In response to your letter, TWCIS(NC) conducted a thorough investigation regarding the company's gift-giving practices with respect to actual and potential E-Rate customers. Specifically, counsel for TWCIS(NC) conducted detailed interviews with company personnel who had contact with E-Rate customers during the relevant period (July 1, 2004 through June 30, 2009), including former employees, and reviewed available documentation with respect to gifts provided to E-Rate customers.

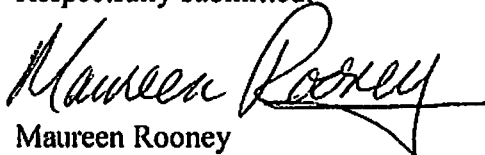
Based on this inquiry, TWCIS(NC) has determined that, on several occasions during the relevant period, company personnel offered or provided event tickets and meals to employees of E-Rate customers, including on two occasions to the technology director of Union County Public Schools. Appendix A to this letter provides the specific information requested in your letter with respect to each such gift. While TWCIS(NC) employees occasionally provided tickets or purchased meals for school personnel, TWCIS(NC) has found no evidence to suggest that any gift was provided in exchange for special consideration in the awarding of E-Rate contracts. Notably, it was company policy to not provide any gift during an active bidding cycle. Further, the offering of event tickets and taking colleagues out to eat was consistent with the company's interaction with other customers during the relevant period; in each case, TWCIS(NC) provided

items of minor value with the goal of building and improving working relationships, not to receive special consideration in connection with any competitive bidding.

During the course of the internal inquiry, TWCIS(NC) reviewed its company policy with respect to gift-giving. Although that policy provided some limitations around gift giving, it did not address E-Rate customers in particular. Upon further consideration, despite the absence of any FCC rule regarding gift practices, TWCIS(NC) has decided to amend its policy to avoid any appearance of impropriety. Specifically, TWCIS(NC) will prohibit gifts of any type to E-Rate customers and will make clear that disciplinary action, up to and including dismissal, may result in the event that any employee violates that policy. TWCIS(NC) will provide a written advisory discussing the updated policy to all company personnel who deal with the E-Rate Program.

In closing, TWCIS(NC) wishes to underscore its commitment to complying with the Commission's rules and to conducting itself in a manner that is beyond reproach. Please let me know if you have any further questions in this matter.

Respectfully submitted,



Maureen Rooney
President, Commercial Services
Time Warner Cable Carolina Region

Exhibit A

Gifts and Meals Offered or Provided to E-Rate Customers by TWCIS(NC) Personnel

The following chart shows identified meals and tickets¹ offered or provided by TWCIS(NC) personnel to employees of E-Rate customers or potential E-Rate customers from July 1, 2004 through June 30, 2009.

Date	Recipient	Description	Value
7-23-04	Keith Cooper and Gabriel Cooper, Wake County Schools	Food and other expenses at concert	\$256.00
10-1-04	Earnest Bibby, Mike Louis and Carl Schmidt, Granville County Schools	Meal	\$43.04
10-29-04	Larry Marynak, Wake County Schools	Meal	\$59.36
12-20-04	Charles Douglas, Durham County Schools	Meal	\$26.57
2-7-05	Jody Moore, Chatham County Schools	Meal	\$17.85
2-23-06	Jody Moore, Chatham County Schools	Meal	\$14.66
10-25-06	Chris Withrow, Warren County Schools	Meal	\$24.38

¹ We found no evidence of trips or entertainment beyond event tickets and meals.

Date	Recipient	Description	Value
12-18-06	Brian McKenzi, Vonnie Addison, Franklin Williams and Chris Evans, Wake County IT Dept.	Meal	\$92.23
2007	Mike Muirhead or Charles Douglas, Durham County Schools	Two tickets to the TWC suite at RBC Center for two or three Carolina Hurricanes hockey games (four to six total tickets in 2007)	\$340-\$510
2007	Carl Schmidt, Granville County Schools	Two tickets to the TWC suite at RBC Center for two Carolina Hurricanes hockey games (four total tickets in 2007)	\$340.00
2007	IT Staff member, Granville County Schools	Two tickets to the TWC suite at RBC Center for Disney on Ice	\$44.00
1-12-07	Cumberland County Schools	Two tickets to TWC suite at RBC Center for Carolina Hurricanes hockey game, donated to the school district's holiday raffle	\$170.00
2-3-07	Everette Teal, Robeson County Schools	Two tickets to TWC suite at RBC Center for UNC – NC State basketball game	\$300.00
2-7-07	Network administrator, Granville County Schools	Four tickets to TWC suite at RBC Center for Ringling Bros. and Barnum & Bailey Circus	\$92.00
5-8-07	Vonni Addison, Wake County IT Dept.	Four tickets to Durham Bulls vs Norfolk baseball game	While we were unable to determine precise value of the tickets, we are confident that it is less than

Date	Recipient	Description	Value
			\$100.00
6-21-07	Brian McKenzie, Wake County Schools	Meal	\$36.73
8-17-07	Brian McKenzie, Vonnice Addison, Brian Keith and Chris Evans, Wake County IT Department	Meal	\$66.66
7-20-07	Wilson County Schools	Two tickets to Brad Paisley concert at TWC Music Pavilion donated as prize for school raffle	\$240.00
Sept. / Oct. 2007	Mike Muirhead, Durham County Schools	Two tickets to TWC suite at Bank of America Stadium for Carolina Panthers football game	\$200.00
2008	Mike Muirhead or Charles Douglass, Durham County Schools	Two tickets to TWC suite at RBC Center for two or three Carolina Hurricanes hockey games (four to six total tickets to the suite in 2008).	\$340-\$510
2008	IT Staff member, Granville County Schools	Two tickets to the TWC suite at RBC Center for Disney on Ice	\$44.00
2008	Chris Young, Cumberland County Schools	Two tickets offered but not used to TWC suite at RBC Center for Carolina Hurricanes hockey game	\$170.00
4-27-08	Pam Jack, Union County Schools	Four tickets to Bruce Springsteen concert at TWC Arena in Charlotte	\$400.00
May 2008	Pam Jack, Union County Schools	Two tickets offered but not used to Kenny Chesney concert in Charlotte	Undetermined but < \$200.00
7-30-08	Gavin Hutchins and Brad Stone, Carteret County Schools	Meal	\$55.92

Date	Recipient	Description	Value
8-5-08	Leslie Stanfield, New Hanover County Schools	Meal	\$30.68
8-17-08	Lee Cummings, Rockingham County Schools	Two passes to 2008 Windham PGA golf tournament	Undetermined but < \$200.00
4-16-09	Wynn Smith, Wilson County Schools	Two tickets to Alan Jackson concert at TWC Music Pavilion	\$240.00
4-27-09	Wynn Smith, Wilson County Schools	Two tickets to Rascal Flats concert at TWC Music Pavilion	\$240.00

SPECIAL COMPLIANCE REVIEW CERTIFICATION

I certify that I am authorized to make the representations set forth in the responses to the Special Compliance Review inquiry on behalf of Time Warner Cable Information Systems (North Carolina), LLC, the entity represented on and responding to the Special Compliance Review inquiry, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the Special Compliance Review inquiry are true and correct to the best of my knowledge, information and belief. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I acknowledge that false statements can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 13th day of October, 2009 at New York [city], New York [state].

Signature
Julie P. Laine

Date
10-13-2009

Print Name
Julie P. Laine

Title
Group Vice President + Chief

Employer
Time Warner Cable

Counsel, Regulatory

Telephone Number
212-364-8482

Fax Number
704-973-6239

Email Address
julie.laine@twcable.com

Address
60 Columbus Circle
New York, NY 10023

Exhibit 7



Erate Services <erate@erateservices.com>

FW: RBC Center Suite Ticket Prices 2007/2008

1 message

Everette Teal <everette.teal@robeson.k12.nc.us>

Wed, Dec 7, 2016 at 9:52 PM

To: Erate Services <erate@erateservices.com>, "Lafrance, David L" <David.Lafrance@charter.com>

The marketing specialist has stated below the value of the ticket provided to me.

From: <Willis>, Andrew <andrew.willis@twcable.com>**Date:** Friday, July 9, 2010 at 10:12 AM**To:** Everette Teal <teale.psrc@robeson.k12.nc.us>**Subject:** FW: RBC Center Suite Ticket Prices 2007/2008

I hope this will give you the info that you need to put move forward.

Andy Willis**Time Warner Cable Business Class****andrew.willis@twcable.com****919-573-7033**

From: Price, Kristen**Sent:** Friday, July 09, 2010 9:36 AM**To:** Willis, Andrew; Petway, Tricia**Subject:** RE: RBC Center Suite Ticket Prices 2007/2008

Hi Andy,

The RBC Center recently sent out a rundown of the b-ball ticket costs for tax purposes.

Tickets for NCSU b-ball for our suite were listed at \$35 / each.

--Hope this helps.

Thanks!

Kristen Price

Marketing Specialist

Carolinas Region

ph: 803-251-5427

fax: 803-744-5525

1-877-892-2220

Exhibit 8



Schools and Libraries Program

Notification of Commitment Adjustment Letter

Funding Year 2011: July 1, 2011 - June 30, 2012

August 01, 2016

Everette Teal
ROBESON COUNTY PUBLIC SCHOOLS
PO DRAWER 2909
LUMBERTON, NC 28359 2909

Re: Form 471 Application Number:	813171
Funding Year:	2011
Applicant's Form Identifier:	Internet-Access 11/12
Billed Entity Number:	126994
FCC Registration Number:	0012037131
SPIN:	143048275
Service Provider Name:	Time Warner Cable Business LLC
Service Provider Contact Person:	David Lafrance

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

REDACTED FOR PUBLIC INSPECTION

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
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To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

REDACTED FOR PUBLIC INSPECTION

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: David Lafrance
Time Warner Cable Business LLC

REDACTED FOR PUBLIC INSPECTION

Funding Commitment Adjustment Report for
Form 471 Application Number: 813171

Funding Request Number:	2209247
Services Ordered:	INTERNET ACCESS
SPIN:	143048275
Service Provider Name:	Time Warner Cable Business LLC
Contract Number:	E2007-01
Billing Account Number:	910-671-6054
Site Identifier:	126994
Original Funding Commitment:	\$879,966.28
Commitment Adjustment Amount:	\$879,966.28
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$879,966.28
Funds to be Recovered from Applicant:	\$879,966.28
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Documents provided by you and/or Time Warner Cable indicate that there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to/throughout your contractual relationship with Time Warner Cable that you were offered and accepted gifts of value from the service provider, which is not allowed under your districts local gift rule policy. This action resulted in a competitive process that was no longer fair and open. Accordingly, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and the service provider.

Exhibit 9



Notification of Commitment Adjustment Letter

Funding Year 2009: July 1, 2009 - June 30, 2010

June 21, 2017

Everette Teal
ROBESON COUNTY PUBLIC SCHOOLS
P.O. Box DRAWER 2909
HIGHWAY 711 WEST
LUMBERTON, NC 28359 2909

Re: Form 471 Application Number:	651887
Funding Year:	2009
Applicant's Form Identifier:	Rob-Int-Acc (2)
Billed Entity Number:	126994
FCC Registration Number:	0012037131
SPIN:	143048275
Service Provider Name:	Time Warner Cable Business LLC
Service Provider Contact Person:	Marcia Evans

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
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 - Billed Entity Name,
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To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

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FUNDING COMMITMENT ADJUSTMENT REPORT

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Schools and Libraries Program
Universal Services Administrative Company

cc: Marcia Evans
Time Warner Cable Business LLC

Funding Commitment Adjustment Report for
Form 471 Application Number: 651887

Funding Request Number: 1868150
Services Ordered: INTERNET ACCESS
SPIN: 143048275
Service Provider Name: Time Warner Cable Business LLC
Contract Number: E2007-01
Billing Account Number: 910-671-6054
Site Identifier: 126994
Original Funding Commitment: \$791,882.61
Commitment Adjustment Amount: \$791,882.61
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$574,964.53
Funds to be Recovered from Applicant: \$574,964.53
Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Documents provided by you and/or Time Warner Cable indicate that there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to/throughout your contractual relationship with Time Warner Cable that you were offered and accepted gifts of value from the service provider, which is not allowed under your districts local gift rule policy. This action resulted in a competitive process that was no longer fair and open. Accordingly, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and the service provider.



Notification of Commitment Adjustment Letter

Funding Year 2007: July 1, 2007 - June 30, 2008

June 21, 2017

Everette Teal
ROBESON COUNTY PUBLIC SCHOOLS
P.O. Box 2909, Highway 711 West
LUMBERTON, NC 28359 2909

Re: Form 471 Application Number:	583371
Funding Year:	2007
Applicant's Form Identifier:	Rob-Internet -Access
Billed Entity Number:	126994
FCC Registration Number:	0012037131
SPIN:	143048275
Service Provider Name:	Time Warner Cable Business LLC
Service Provider Contact Person:	Marcia Evans

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 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
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Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

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FUNDING COMMITMENT ADJUSTMENT REPORT

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Schools and Libraries Program
Universal Services Administrative Company

cc: Marcia Evans
Time Warner Cable Business LLC



Notification of Commitment Adjustment Letter

Funding Year 2008: July 1, 2008 - June 30, 2009

June 21, 2017

Everette Teal
ROBESON COUNTY PUBLIC SCHOOLS
P. O. Box 2909, Highway 711 West
LUMBERTON, NC 28359 2909

Re: Form 471 Application Number:	624714
Funding Year:	2008
Applicant's Form Identifier:	Rob-Internet-Access
Billed Entity Number:	126994
FCC Registration Number:	0012037131
SPIN:	143048275
Service Provider Name:	Time Warner Cable Business LLC
Service Provider Contact Person:	Marcia Evans

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 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
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Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

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Schools and Libraries Program
Universal Services Administrative Company

cc: Marcia Evans
Time Warner Cable Business LLC

**Funding Commitment Adjustment Report for
Form 471 Application Number: 624714**

Funding Request Number:	1723535
Services Ordered:	INTERNET ACCESS
SPIN:	143048275
Service Provider Name:	Time Warner Cable Business LLC
Contract Number:	E2007-01
Billing Account Number:	910-671-6054
Site Identifier:	126994
Original Funding Commitment:	\$774,000.00
Commitment Adjustment Amount:	\$774,000.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$774,000.00
Funds to be Recovered from Applicant:	\$774,000.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Documents provided by you and/or Time Warner Cable indicate that there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to/throughout your contractual relationship with Time Warner Cable that you were offered and accepted gifts of value from the service provider, which is not allowed under your districts local gift rule policy. This action resulted in a competitive process that was no longer fair and open. Accordingly, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and the Service Provider.



Notification of Commitment Adjustment Letter

Funding Year 2007: July 1, 2007 - June 30, 2008

June 21, 2017

Everette Teal
ROBESON COUNTY PUBLIC SCHOOLS
P.O. Box 2909, Highway 711 West
LUMBERTON, NC 28359 2909

Re: Form 471 Application Number:	583701
Funding Year:	2007
Applicant's Form Identifier:	Rob-Email 07-10
Billed Entity Number:	126994
FCC Registration Number:	0012037131
SPIN:	143048275
Service Provider Name:	Time Warner Cable Business LLC
Service Provider Contact Person:	Marcia Evans

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PO Box 685
Parsippany, NJ 07054-0685

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Schools and Libraries Program
Universal Services Administrative Company

cc: Marcia Evans
Time Warner Cable Business LLC

**Funding Commitment Adjustment Report for
Form 471 Application Number: 583701**

Funding Request Number:	1618225
Services Ordered:	INTERNET ACCESS
SPIN:	143048275
Service Provider Name:	Time Warner Cable Business LLC
Contract Number:	N/A
Billing Account Number:	9106716054
Site Identifier:	126994
Original Funding Commitment:	\$45,758.52
Commitment Adjustment Amount:	\$45,758.52
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$45,632.05
Funds to be Recovered from Applicant:	\$45,632.05
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Documents provided by you and/or Time Warner Cable indicate that there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to/throughout your contractual relationship with Time Warner Cable that you were offered and accepted gifts of value from the service provider, which is not allowed under your districts local gift rule policy. This action resulted in a competitive process that was no longer fair and open. Accordingly, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and the Service Provider.

Exhibit 10

Everette Teal
Robeson County Public Schools
PO Drawer 2909
Lumberton, NC 28359-2909

Billed Entity Number: 126994
Form 471 Application Number: 651887
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2009-2010

February 23, 2018

Everette Teal
Robeson County Public Schools
PO Drawer 2909
Lumberton, NC 28359-2909

Re: Applicant Name: ROBESON COUNTY PUBLIC SCHOOLS
Billed Entity Number: 126994
Form 471 Application Number: 651887
Funding Request Number(s): 1868150
Your Correspondence Received: July 06, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2009 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1868150
Decision on Appeal: **Denied**
Explanation:

- USAC has reviewed your appeal and determined the funds committed under the above listed Funding Request Numbers (FRNs) must be rescinded in full. Documents provided by you and/or Time Warner Cable indicates there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to your contractual relationship with Time Warner Cable, you were offered and accepted gifts of value from the service provider. This action resulted in a competitive process that was no longer fair and open. Program rules are such that an applicant should not have a relationship with a service provider prior to or during the competitive bidding process that would unfairly influence the outcome. The dual actions of Time Warner Cable and Robeson County Public Schools violates this tenet.

Regarding your reference to FCC Policy, please note the FCC recently has reiterated that the five year time frame for recovery is a policy preference and does not serve as a bar to recovery for improperly disbursed funding (See Application for Review of A Decision of the Wireline Competition Bureau by Net56, Inc. Palatine, Illinois, CC Docket No. 02-6, Memorandum Opinion and Order, 2017 WL 211539 at *2, para. 9 (2017) ("...even assuming arguendo that the recovery action fell outside the five year period within which the Commission recommended that investigations be completed, that time frame constitutes merely a policy preference and not an absolute bar to recovery."))).

USAC denies your appeal and will seek recovery of any funds disbursed in violation of the programs competitive bidding rules.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Everette Teal
Robeson County Public Schools
P.O. Drawer 2909
Lumberton, NC 28359-2909

Billed Entity Number: 126994
Form 471 Application Number: 624714
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

February 23, 2018

Everette Teal
Robeson County Public Schools
P.O. Drawer 2909
Lumberton, NC 28359-2909

Re: Applicant Name: ROBESON COUNTY PUBLIC SCHOOLS
Billed Entity Number: 126994
Form 471 Application Number: 624714
Funding Request Number(s): 1723535
Your Correspondence Received: July 06, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1723535
Decision on Appeal: **Denied**
Explanation:

- USAC has reviewed your appeal and determined the funds committed under the above listed Funding Request Numbers (FRNs) must be rescinded in full. Documents provided by you and/or Time Warner Cable indicates there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to your contractual relationship with Time Warner Cable, you were offered and accepted gifts of value from the service provider. This action resulted in a competitive process that was no longer fair and open. Program rules are such that an applicant should not have a relationship with a service provider prior to or during the competitive bidding process that would unfairly influence the outcome. The dual actions of Time Warner Cable and Robeson County Public Schools violates this tenet.

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Schools and Libraries Division
Universal Service Administrative Company

Everette Teal
Robeson County Public Schools
PO Drawer 2909
Lumberton, NC 28359-2909

Billed Entity Number: 126994
Form 471 Application Number: 583701
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2007-2008

February 23, 2018

Everette Teal
Robeson County Public Schools
PO Drawer 2909
Lumberton, NC 28359-2909

Re: Applicant Name: ROBESON COUNTY PUBLIC SCHOOLS
Billed Entity Number: 126994
Form 471 Application Number: 583701
Funding Request Number(s): 1618225
Your Correspondence Received: July 06, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2007 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1618225
Decision on Appeal: **Denied**
Explanation:

- USAC has reviewed your appeal and determined the funds committed under the above listed Funding Request Numbers (FRNs) must be rescinded in full. Documents provided by you and/or Time Warner Cable indicates there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to your contractual relationship with Time Warner Cable, you were offered and accepted gifts of value from the service provider. This action resulted in a competitive process that was no longer fair and open. Program rules are such that an applicant should not have a relationship with a service provider prior to or during the competitive bidding process that would unfairly influence the outcome. The dual actions of Time Warner Cable and Robeson County Public Schools violates this tenet.

Regarding your reference to FCC Policy, please note the FCC recently has reiterated that the five year time frame for recovery is a policy preference and does not serve as a bar to

recovery for improperly disbursed funding (See Application for Review of A Decision of the Wireline Competition Bureau by Net56, Inc. Palatine, Illinois, CC Docket No. 02-6, Memorandum Opinion and Order, 2017 WL 211539 at *2, para. 9 (2017) ("...even assuming arguendo that the recovery action fell outside the five year period within which the Commission recommended that investigations be completed, that time frame constitutes merely a policy preference and not an absolute bar to recovery.")).

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Schools and Libraries Division
Universal Service Administrative Company

Everette Teal
Robeson County Public Schools
PO Drawer 2909
Lumberton, NC 28359-2909

Billed Entity Number: 126994
Form 471 Application Number: 583371
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2007-2008

February 23, 2018

Everette Teal
Robeson County Public Schools
PO Drawer 2909
Lumberton, NC 28359-2909

Re: **Applicant Name:** ROBESON COUNTY PUBLIC SCHOOLS
Billed Entity Number: 126994
Form 471 Application Number: 583371
Funding Request Number(s): 1617184
Your Correspondence Received: July 06, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2007 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1617184
Decision on Appeal: **Denied**
Explanation:

- USAC has reviewed your appeal and determined the funds committed under the above listed Funding Request Numbers (FRNs) must be rescinded in full. Documents provided by you and/or Time Warner Cable indicates there was not a fair and open competitive bid process free from conflicts of interest. The documentation indicates that prior to your contractual relationship with Time Warner Cable, you were offered and accepted gifts of value from the service provider. This action resulted in a competitive process that was no longer fair and open. Program rules are such that an applicant should not have a relationship with a service provider prior to or during the competitive bidding process that would unfairly influence the outcome. The dual actions of Time Warner Cable and Robeson County Public Schools violates this tenet.

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recovery for improperly disbursed funding (See Application for Review of A Decision of the Wireline Competition Bureau by Net56, Inc. Palatine, Illinois, CC Docket No. 02-6, Memorandum Opinion and Order, 2017 WL 211539 at *2, para. 9 (2017) ("...even assuming arguendo that the recovery action fell outside the five year period within which the Commission recommended that investigations be completed, that time frame constitutes merely a policy preference and not an absolute bar to recovery.")).

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Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company